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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,624	07/22/2003	Bobby Hu	CFP-1836 (15722-560)	6596

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EXAMINER

THOMAS, DAVID B

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,624

Applicant(s)

HU, BOBBY

Examiner

David B. Thomas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/25, 8/30, 9/02, 9/07, 9/13/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 14, 15, and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Lee (US 2003/0154826 A1).

Lee ('826) discloses a ratcheting wrench having a handle having an end, the end of the handle having a compartment; a head extending from the end of the handle and having a hole communicated with the compartment of the handle; a drive member rotatably mounted in the hole of the head, the drive member including an inner periphery adapted to securely, releasably hold a fastener-driving member, allowing joint rotation of the fastener-driving member and the drive member when the drive member is turned, the drive member further including a plurality of teeth on an outer periphery thereof; and a ratcheting mechanism mounted in the compartment of the handle and engaged with the teeth of the drive member; an annular groove being defined in the inner periphery of the drive member, a retainer being received in the annular grooves for releasably holding the fastener-driving member in place; and the drive member further including a stop on an end of the inner periphery for preventing the fastener-

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driving member from disengaging from the drive member through the end of the inner periphery of the drive member; wherein an annular groove is defined in the end of the inner periphery of the drive member, a retainer being partially received in the annular groove for preventing the fastener-driving member from disengaging from the drive member through the end of the inner periphery of the drive member; wherein the ratcheting mechanism allows the handle to selectively move in a ratcheting direction for tightening/loosening a fastener engaged with the fastener-driving member and in a free turning direction reverse to the ratcheting direction in which the fastener engaged with the fastener-driving member is not turned; wherein the end of the handle has an opening defined in a side thereof and communicated with the compartment of the handle, the ratcheting mechanism including a pawl slidably mounted in the compartment of the handle and a switch member rotatably mounted in the compartment of the handle and operably connected to the pawl such that rotation of the switch member causes sliding movement of the pawl in the compartment between two positions, the switch member having a turn piece extending to a position outside the handle via the opening of the handle, allowing manual rotation of the switch member to thereby move the pawl between the two positions for changing the ratcheting direction of the handle; or, wherein the head has an annular groove in an inner periphery delimiting the hole, the driving member having an annular groove defined in the outer periphery thereof, a retainer being partially received in the annular groove of the head and partially received in the annular groove of the drive member, thereby rotatably holding the drive member in the hole of the head.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ('826), as applied to claims 1, 3, 14, 15, and 19 above, in view of Anderson et al. (6,332,382 B1).

Lee ('826), as applied to claims 1, 3, 14, 15, and 19 above, discloses the claimed invention except that the stop of Lee ('826) entirely encloses the end of the drive member, rather than being an inner flange. Anderson et al. ('382) disclose a tool with a polygonal head for interchangeable bits, and in one embodiment teaches the provision of the drive member having a stop which is an inner flange integrally formed on the end of the inner periphery of the drive member as a unitary, unseparable component. The examiner respectfully contends that the stop of Anderson et al. ('382) and the stop of Lee ('826) are equivalent in that both serve the same function of preventing the fastener-driving member from passing through the driving member. Therefore, because these two elements were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the stop consisting of an inner flange of Anderson et al. ('382) for the fully enclosing stop of Lee ('826).

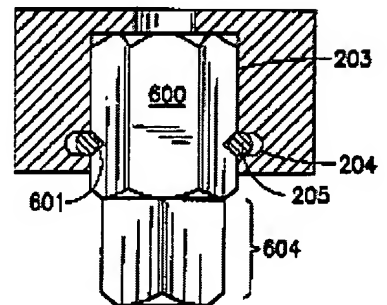


FIG. 12

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5. Claims 4-11, 13, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taiwan Utility Model Publication No. 526807, as disclosed by the applicant on page 2 and 3 of the specification, in view of Lee (US 2003/0154826 A1).

Taiwan Utility Model Publication No. 526807, as disclosed by the applicant on page 2 and 3 of the specification, discloses the claimed invention except for the use of the tool with a screwdriver. Lee ('826) teaches the provision of a drive member in a ratcheting wrench such that the drive member is adapted to securely, releasably hold a fastener-driving member, the drive member having an annular groove in the inner periphery and a retainer being received in the annular groove for releasably holding the fastener-driving member, and further including a stop on one end for preventing the fastener-driving member from passing through the drive member. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the ratchet wrench of Taiwan Utility Model Publication No. 526807 by providing a drive member adapted to securely releasably hold a fastener-driving member, such as the drive member as clearly taught by Lee ('826).

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Taiwan Utility Model Publication No. 526807, in view of Lee (US 2003/0154826 A1) as applied to claims 4-11, 13, 20 and 21 above, and further in view of Anderson et al. ('382), as relied upon in the rejection of claim 2.

The examiner respectfully contends that claims 4-11, and 13 are rendered obvious over Taiwan Utility Model Publication No. 526807, in view of Lee ('826). Similar to claim 2, claim 12 introduces the limitation that the stop is an inner flange integrally

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formed on the end of the drive member. As argued above, the stop of Anderson et al. ('382) and the stop of Lee ('826) are equivalent in that both serve the same function of preventing the fastener-driving member from passing through the driving member.

Thus, as it would have been obvious to modify the stop of Lee ('826) in view of Anderson et al. ('382), above, it would also have been obvious to modify the stop of Taiwan Utility Model Publication No. 526807, in view of Lee ('826), again in view of Anderson et al. ('382)

7. Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee ('826), as applied to claims 1, 3, 14, 15, and 19 above, in view of Ling et al. (6,629,477).

Lee ('826), as applied to claims 1, 3, 14, 15, and 19 above, discloses the ratcheting wrench as claimed except for the particulars of the pawl and the switch member. Ling et al. ('477) discloses that it is known in the art to provide the particular pawl and switch member, as presently claimed, in a ratchet wrench. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the particular pawl and switch member in a ratchet wrench as taught by Ling et al. ('477), since Ling et al. ('477) states in Cols. 1 and 2 that such a modification would provide a ratchet wrench capable of withstanding high torsion.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hsien, Chen, Ling et al., Shea, Colvin, Blake et al., Cassidy, Jr., White, Miller, Hunt, Seidemann, Peterson, and Hanes et al. each disclose a tool.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Thomas whose telephone number is (703) 308-4250. The examiner can normally be reached on 7-4 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail can be reached on (703) 308-2687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David B. Thomas
Patent Examiner
Art Unit 3723

dbt